

By: Geren

H.B. No. 3684

A BILL TO BE ENTITLED

AN ACT

relating to political advertising.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 255.001, Election Code, is amended by amending Subsections (a) and (d) and adding Subsections (a-1) and (a-2) to read as follows:

(a) A person may not knowingly cause to be published, distributed, or broadcast political advertising containing express advocacy that does not include [~~indicate~~] in the advertising:

(1) an indication that it is political advertising;

[~~and~~]

(2) the full name of:

(A) the person who paid for the political advertising;

(B) the political committee authorizing the political advertising; or

(C) the candidate or specific-purpose committee supporting the candidate, if the political advertising is authorized by the candidate;

(3) if the political advertising is authorized by the candidate:

(A) for advertising transmitted through radio, an audio statement made by the candidate that identifies the candidate and states that the candidate has approved the

1 communication; and

2 (B) for advertising transmitted through
3 television:

4 (i) a clearly identifiable photographic or
5 similar image of the candidate; and

6 (ii) a statement in writing identifying the
7 candidate and stating that the candidate has approved the
8 communication that appears:

9 (a) at the end of the communication
10 for not less than four seconds; and

11 (b) in letters that are at least four
12 percent of the vertical screen height; and

13 (4) if the political advertising is not authorized by
14 the candidate:

15 (A) for advertising transmitted through radio,
16 an audio statement of the name of the person who paid for the
17 advertising, made by an individual named in the statement or by a
18 representative of a person named in the statement who is not an
19 individual; and

20 (B) for advertising transmitted through
21 television, a written statement that contains the name of the
22 person who paid for the advertising and that appears:

23 (i) at the end of the communication for not
24 less than four seconds; and

25 (ii) in letters that are at least four
26 percent of the vertical screen height.

27 (a-1) An Internet website containing political advertising

1 must contain the disclosure required by this section on each page of
2 the website containing the political advertising. The disclosure
3 must appear:

4 (1) in a printed box set apart from the rest of the
5 contents of the page;

6 (2) in a font size that is at least 12 pixels; and

7 (3) in black text on a white background or in a text
8 color so that the degree of contrast between the background color
9 and the disclosure text color is at least as great as the degree of
10 contrast between the background color and the color of the largest
11 text on the page.

12 (a-2) If political advertising appears on a social media
13 website, a disclosure that complies with Subsection (a-1) must
14 appear on the appropriate social media profile page. If political
15 advertising on an Internet website, including a social media
16 profile page, is too small to include the disclosure in a manner
17 that complies with Subsection (a-1), the disclosure satisfies the
18 requirements of Subsection (a-1) if the disclosure links to another
19 Internet website page that displays the full disclosure and is
20 operational and freely accessible during the time the advertisement
21 is visible. Internet advertising that is too small to include a
22 disclosure complying with Subsection (a-1) includes an
23 advertisement classified as a micro bar or button according to
24 applicable advertising standards, an advertisement that has 200 or
25 fewer characters, and a graphic or picture link in which including
26 the disclosure is not reasonably practical because of the size of
27 the graphic or picture link.

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2 (d) This section does not apply to:
- 3 (1) tickets or invitations to political fund-raising
4 events;
- 5 (2) campaign buttons, pins, hats, or similar campaign
6 materials; ~~or~~
- 7 (3) circulars or flyers that cost in the aggregate
8 less than \$500 to publish and distribute; or
- 9 (4) political advertising distributed by sending a
10 text message using a mobile communications service.

11 SECTION 2. This Act takes effect September 1, 2015.